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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,252	08/10/2001	William R. Stafford	42390P6468C	5547

7590 05/17/2002

Daniel E. Ovanezian
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

SONG, JASMINE

ART UNIT	PAPER NUMBER
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2187

DATE MAILED: 05/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.		Applicant(s)	
	09/927,252		STAFFORD, WILLIAM R.	
	Examiner		Art Unit	
	Jasmine Song		2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: |

Detailed Action

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. The initialed copy of the PTO-1449 form references that were mailed to the PTO on August 10, 2001 has been attached in this Office Action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 19-21,23-29,32-35,39-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Cloud et al., U.S. Patent 5815427.

Regarding claims 19, 26 and 32, Cloud et al. teach a memory device (Fig.1 and 7, element 14) coupled with the processor (Fig.7, element 84), the memory device comprising three different interfaces to operate the memory device in one of three different modes (Fig.5 and 6, col.5, lines 18 to col.6, lines 47).

Regarding claims 20, 27 and 33, Cloud et al. teach that selection circuitry (Fig.6, element 62) to select among the three different interfaces (Fig.6, col.5, lines 18 col.6, lines 47).

Regarding claims 21, 25, 29, 35, Cloud et al. teach that the three different interfaces comprises:

- a test interface to test the memory device for defects (Fig.6, element 77, col.6, lines 44-47).

- a programming interface to program the memory device with a code (Fig.5, col.5, lines 39-65).

- an operation interface to operate the memory device in an operation mode (Fig.6, element 74 and 76, col.5, lines 35-44).

Regarding claims 24, 28 and 34, Cloud et al. teach that the selection circuitry comprises:

a plurality of drivers, each of the plurality of drivers coupled between a device pad and a device circuit, each of the plurality of drivers having a control input (Fig.1, col.3, lines 1-51) and

a multiplexer coupled to the control input of each of the plurality of drivers to select one of the plurality of drivers (Fig.5, element 57, col.5, lines 22-45).

Regarding claim 23, Cloud et al. teach the operation interface is a proprietary interface (col.6, lines 36-44).

Regarding claim 39, Cloud et al. teaches that selecting an interface from among at least a programming interface and a test interface in a memory device; and operating the memory device with the selected interface (Fig.5 and 6, col.5, lines 18 to col.6, lines 47).

Regarding claim 40, Cloud et al. teaches that selecting the programming interface and wherein operating comprises programming the memory device with code using the programming interface (col.5, lines 39-60)

Regarding claim 41, Cloud et al. teaches that selecting the test interface and wherein operating comprises testing the memory device for defects using the test interface(col.6, lines 44-47).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 22, 30-31 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloud et al., U.S. Patent 5815427.

Regarding claims 22, 30-31 and 36-38, Cloud et al. teach the limitations in the claims above. However, Cloud does not teach the memory device is a flash memory and BIOS memory. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the memory device as the BIOSs which store on a flash memory chip that can be upgraded via software. This would have motivated one of ordinary skill in the art to use flash memory chip in a PC so that the BIOS could be updated in place instead of being replaced.

Response to Arguments

7. Applicant's arguments with respect to claim 19-37 have been considered but are moot in view of the new ground(s) of rejection. All new ground(s) of rejection are necessitated by amendment.

Conclusion

8. When responding to the office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections. See 37 C.F.R. 1.111 (c).

9. When responding to the office action, Applicants are advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist examiner to locate the appropriate paragraphs.


10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

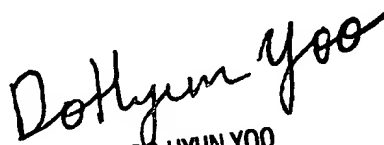
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasmine Song whose telephone number is 703-305-7701. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Do H Yoo can be reached on 703-308-4908. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Jasmine Song 
Patent Examiner

May 14, 2002


DO HYUN YOO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100